

**ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE**

May 3, 2021

1:02 p.m.

DRAFT

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Liz Snyder, Vice Chair
Representative Harriet Drummond
Representative Jonathan Kreiss-Tomkins
Representative David Eastman
Representative Christopher Kurka
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 87

"An Act relating to electric-assisted bicycles."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 87

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(s): REPRESENTATIVE(s) WOOL

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	TRA, JUD
04/20/21	(H)	TRA AT 1:00 PM BARNES 124
04/20/21	(H)	Heard & Held
04/20/21	(H)	MINUTE(TRA)
04/27/21	(H)	TRA AT 1:00 PM BARNES 124
04/27/21	(H)	Moved HB 87 Out of Committee
04/27/21	(H)	MINUTE(TRA)
04/28/21	(H)	TRA RPT 4DP 2NR
04/28/21	(H)	DP: DRUMMOND, HANNAN, MCKAY, MCCABE
04/28/21	(H)	NR: CRONK, HOPKINS
05/03/21	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE ADAM WOOL
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 87.

ASHLEY CARRICK, Staff
Representative Adam Wool
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: On behalf of Representative Wool, prime sponsor, presented HB 87.

JEFFREY SCHMITZ, Director
Division of Motor Vehicles
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 87.

DALE BANKS
Homer, Alaska

POSITION STATEMENT: Testified in support of HB 87.

WAYNE ADERHOLD
Homer, Alaska

POSITION STATEMENT: During the hearing on HB 87, testified in support of a three-tiered approach endorsed by People for Bikes.

REID HARRIS, President
Juneau Mountain Bike Alliance
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 87, with a suggested amendment to reflect the three-tiered classification system.

ALEX LOGEMANN
People for Bikes Coalition
Denver, Colorado

POSITION STATEMENT: Testified in support of HB 87, with a suggested amendment to reflect the three-tiered classification system.

CARY SHIFLEA, Owner
Alaska eBike
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 87.

ACTION NARRATIVE

[1:02:25 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:02 p.m. Representatives Vance, Drummond, Snyder, Kreiss-Tomkins, and Claman were present at the call to order. Representatives Eastman and Kurka arrived as the meeting was in progress.

^#hb87

HB 87-ELECTRIC-ASSISTED BICYCLES

[1:03:11 PM](#)

CHAIR CLAMAN announced that the only order of business would be HOUSE BILL NO. 87, "An Act relating to electric-assisted bicycles."

CHAIR CLAMAN informed the committee that a similar version of HB 87 had been introduced during the Thirty-First Alaska State Legislature in May 2019, and it had been moved from committee.

[1:03:49 PM](#)

REPRESENTATIVE ADAM WOOL, Alaska State Legislature, as prime sponsor, introduced HB 87. He stated that a previous iteration of this legislation had passed the full house in the previous legislative session. He stated that HB 87 would define electric-assisted bicycles in statute, for which no statutory definition currently exists. He stated that there exist several statutes governing motorized vehicles but none which govern electric-assisted bikes. He stated that 44 states including the State of California have laws governing e-bikes, some of which use a three-tiered system. He stated that HB 87 would only pertain to bicycles which require the rider to pedal. He noted that the committee may learn during the discussion that there exist bicycles which do not require the rider to pedal. He stated that in 2018, the Municipality of Anchorage added a definition for electric bicycles and other municipalities are adopting similar regulations. He shared that the definition proposed in HB 87 would apply to conveyances with not more than three wheels in contact with the ground, which have operable pedals, and which are equipped with a motor that does not exceed 750 watts. He stated that the definition would further specify

e-bikes as having an electric pedal assist motor that would disengage once the bicycle reaches a speed of 28 miles per hour. He shared an anecdote in which a constituent had been stopped by the police while riding an electric-assisted bicycle and had been informed that, since he did not possess a drivers' license, he was not permitted to operate the e-bike.

[1:06:59 PM](#)

ASHLEY CARRICK, Staff, Representative Adam Wool, Alaska State Legislature, on behalf of Representative Wool, prime sponsor, presented HB 87. She drew attention to the presentation [included in the committee packet] entitled " HB 87 PowerPoint Presentation 4.20.2021," and explained that HB 87 would achieve three main objectives: to regulate electric-assisted bicycles as bicycles, to update statute to reflect technological advances, and to bring clarity to consumers and retailers on Alaska's electric-assisted bicycle laws. She recalled Representative Wool's previous introduction of the definition of electric-assistance bicycle to be a bicycle that is designed to travel with not more than three wheels in contact with the ground, has fully operative pedals for human propulsion, is equipped with an electric motor that has a power output of not more than 750 watts [1 horsepower], provides assistance only when the rider is pedaling, and ceases to provide assistance to the rider when the bicycle reaches a speed of 28 miles per hour.

MS. CARRICK drew attention to slide 3 of the presentation which contained a map that depicted states that define electric bicycles in statute. She explained that states depicted in the green category define e-bikes in a manner similar to HB 87 and that states depicted in the yellow category define e-bikes under a three-tier system. She noted that there exist only 6 states including Alaska that do not have a statute defining electric-assisted bicycles. She drew attention to slides 4 and 5 of the presentation which contained pictures of examples of electric-assisted bicycles, and, as shown on slide 7, HB 87 would not apply to mopeds or scooters.

[1:10:38 PM](#)

MS. CARRICK drew attention to the sectional analysis [included in the committee packet] entitled "HB 87 Sectional Analysis v. A 5.3.2021," which read as follows [original punctuation included]:

This bill amends Titles 19, 28, and 41 of the Alaska Statutes.

Section 1 (page 1) Amends AS 19.10.399(9) to state that the definition of motor vehicle excludes electric-assisted bicycles

Section 2 (page 1) Amends AS 19.10.399 (16) to state that electric-assisted bicycles are to be regulated as bicycles in regards to operation on a way, path, or area

Section 3 (page 1-2) Amends AS 28.05.011(a) states that electric-assisted bicycles should be regulated as bicycles in regards to rules of the road; also includes electric-assisted bicycle under an existing provision allowing municipal ordinances to separately regulate in this area

Section 4 (page 2-3) Amends AS 28.10.011 to state that an electric-assisted bicycle is not required to be registered as a vehicle

Section 5 (page 3) Amends AS 28.90.990(a)(12) to state that an electric-assisted bicycle does not fall under the definition of an "electric personal motor vehicle"

Section 6 (page 3) Amends AS 28.90.990(a)(18) to state that an electric-assisted bicycle does not fall under the definition of a "motor vehicle"

Section 7 (page 4) Amends AS 28.90.990(a)(20) to state that an electric-assisted bicycle does not fall under the definition of a "motor-driven cycle"

Section 8 (page 4) Adds a new definition as AS 28.90.990(a)(34) to define an electric-assisted bicycle as a bicycle that is designed to travel with not more than three wheels in contact with the ground, has fully operative pedals for human propulsion, and is equipped with an electric motor that has a power output of not more than 750 watts, provides assistance only when the rider is pedaling, and ceases to provide assistance to the rider when the bicycle reaches a speed of 28 miles per hour.

Section 9 (page 4) Amends AS 41.23.300 to state that electric-assisted bicycles are to be regulated as bicycles in regards to operation in public use areas.

[1:12:01 PM](#)

CHAIR CLAMAN asked whether HB 87 was significantly different from the bill that had been introduced during the Thirty-First Alaska State Legislature.

MS CARRICK answered that it was not significantly different than the previous version.

1:12:20 PM

REPRESENTATIVE SNYDER referred to the committee packet item, entitled "HB 87 Supporting Document - People for Bikes Factsheet 4.20.2021," and asked for further explanation on the requirement of an operator's license depicted in that item.

REPRESENTATIVE WOOL stated that a main objective of HB 87 would be to not require an operator's license [to ride an e-bike]. He added that municipalities and park services may further regulate e-bikes within their jurisdictions.

REPRESENTATIVE SNYDER asked whether electric assisted bicycles make noise.

REPRESENTATIVE WOOL answered that e-bikes do not make any more noise than a regular bicycle.

1:14:36 PM

REPRESENTATIVE KREISS-TOMKINS asked Representative Wool if he could recall approximately by how many votes the previous bill had passed the house.

REPRESENTATIVE WOOL estimated the vote to be 35 [yeas] to 5 [nays], but he could not recall the specific vote count.

REPRESENTATIVE KREISS-TOMKINS made note of the three-tier system used in other states and observed that HB 87 did not contain such a classification system for e-bikes. He asked for an explanation on the difference between a tiered system and the broader definition proposed in HB 87.

REPRESENTATIVE WOOL said that a tiered system had been taken into consideration during the drafting of HB 87. He explained that the three-tiered system originated in the State of California, and other states had modeled [legislation] on it. He explained that the rationale was to ensure that e-bikes, by definition, should be those bicycles requiring the rider to pedal. He stated that class 2 e-bikes that can be powered without pedaling comprise approximately 10 percent of e-bikes available. He added that 80 percent are type 1, which are bikes that require the rider to pedal and have a maximum speed [at which the electric assist will disengage] and type 3 e-bikes

have a higher maximum speed [at which the motor will disengage]. He said that HB 87 was drafted using the type 3 designation and would encompass both the higher and lower speeds. He postulated that the difference between pedal-assist and those which do not require the rider to pedal could amount to a safety issue for less experienced riders. He noted that Alaska does not have a helmet law and that HB 87 does not address that matter.

1:19:28 PM

REPRESENTATIVE KREISS-TOMKINS asked whether class 2 e-bikes would be categorized as motor vehicles since HB 87 remains silent on class 2 in its definition of e-bikes.

REPRESENTATIVE WOOL supposed that class 2 e-bikes would be a "gray area" and that industry members would be available for testimony and may address [tier 2 e-bikes]. He stated that, during the discussion, a guiding principle that e-bikes should be required to be pedaled by the rider, had been called into question. He stated that, while tier 2 e-bikes are a smaller segment of the market, it was not his intention to entirely exclude them from the definition.

REPRESENTATIVE KREISS-TOMKINS asked whether Representative Wool had become aware of any anecdotes other than the one mentioned in his introduction of individuals subject to potentially arbitrary enforcement of unclear laws pertaining to e-bikes.

REPRESENTATIVE WOOL answered that he had not been aware of other such instances.

REPRESENTATIVE KREISS-TOMKINS asked, based on other states' inclusion of a tiered approach, whether the sponsor had knowledge of whether such a tiered definition could result in tier 2 e-bikes being regulated differently than the others.

REPRESENTATIVE WOOL stated his uncertainty whether any states classify type 2 bikes separately. He noted that the practical delineation would be that a bike has operable pedals and a motor assist.

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REPRESENTATIVE EASTMAN noted that a previous version of the bill had passed with a vote of 36 yeas and 0 nays. He asked the sponsor to explain the changes in Sections 8 and 9 from the previous version of the bill.

MS. CARRICK opined that the changes were in the drafting of the bill and did not amount to substantive changes.

[1:26:22 PM](#)

REPRESENTATIVE DRUMMOND referred to the committee packet item, entitled "HB 87 Supporting Document - People for Bikes Factsheet 4.20.2021," which read, " E-bike riders must carry an operator's license," and asked whether that was current Alaska law.

MS. CARRICK answered that the potential existed for operators of e-bikes to be required to have an operator's license. She added that the Municipality of Anchorage has an ordinance that establishes e-bikes, but that e-bikes fall into a "gray area," and thus it could be required.

[1:28:49 PM](#)

JEFFREY SCHMITZ, Director, Division of Motor Vehicles, Department of Administration, answered that law pertaining to bikes falls outside of the scope of the Division of Motor Vehicles (DMV).

REPRESENTATIVE WOOL added that the line of questioning is demonstrative of the need that would be met by the proposed legislation. He added that a motorized vehicle is well-defined [in statute] when operated on roadways. He said that HB 87 would define e-bikes as "not a motorized vehicle" under a certain size and speed and would instead be categorized as bicycles.

[1:31:34 PM](#)

REPRESENTATIVE DRUMMOND stated her confusion regarding the source material she cited earlier and asked whether the potential exists that the regulations in the committee packet item were those of the Municipality of Anchorage.

REPRESENTATIVE WOOL offered to follow up with the People for Bikes organization for additional explanation.

CHAIR CLAMAN noted that a representative of People for Bikes would participate in public testimony during the hearing.

[1:32:54 PM](#)

REPRESENTATIVE SNYDER expressed her support for the intent of HB 87 and asked whether a municipality could impose additional limitations at its discretion regarding speed, safety, or other concerns.

REPRESENTATIVE WOOL answered that a municipality [or any jurisdiction] that controls a trail system may establish additional regulations. He noted that the classification of e-bikes in the proposed legislation would limit the capability of an e-bike to engage a motor assist at speeds in excess of 28 miles per hour [and still qualify as an e-bike]. He suggested that differentiation among the classifications of e-bikes would be difficult to enforce.

[1:35:09 PM](#)

REPRESENTATIVE KURKA noted that there exist gasoline powered motors that can attach to a bicycle and asked whether the bill sponsor had considered expanding the definition to include them.

REPRESENTATIVE WOOL answered that he had not. He noted that mopeds may have a 50 cubic centimeter motor and can propel the bike, with motor power only, at higher rates of speed. He suggested that mopeds are classified as motor vehicles. He noted that electric motors are quieter than gasoline motors and are gaining in popularity.

REPRESENTATIVE KURKA allowed that that gasoline motors may [emit] more noise and suggested that gasoline powered [bicycles] should be included in the definition in order to avoid discriminating against them.

REPRESENTATIVE WOOL cautioned that he would not categorize the omission of gasoline powered bicycles as discrimination against them. He explained that an e-bike can recharge its electric motor with a braking system, and it is not required for the rider to refuel the motor. He allowed that gasoline may power certain bicycles and recommended against conjecture that could amount to e-bikes being categorized as electric vehicles.

CHAIR CLAMAN shared his experience on a mountain bike trail in which a gasoline powered bicycle was present and that the noise from it was out of place in the setting. He reminded the committee that public testimony would likely include additional information to aid in the discussion.

[1:40:17 PM](#)

REPRESENTATIVE EASTMAN referred to page 4, line 17, which further defines an e-bike as having an electric motor that stops aiding the rider when the bicycle reaches a speed of 28 miles per hour. He asked whether challenges may exist with any type of bike, including e-bikes, should a bicycle reach speeds that exceed 28 miles per hour.

REPRESENTATIVE WOOL answered that any bicycle may reach speeds in excess of 28 miles per hour and clarified that the motor assist would be restricted when 28 miles per hour is exceeded to assist the rider pedaling.

[1:41:28 PM](#)

REPRESENTATIVE VANCE directed her question to be answered by Legislative Legal and Research Services, who were not present at the hearing, to ascertain whether the three-tiered classification system should be implemented to anticipate future changes in technology of e-bikes.

CHAIR CLAMAN requested the bill sponsor follow up with the committee with an opinion from Legislative Legal and Research Services. He suggested that 28 miles per hour is a high rate of speed and that some downhill bike trails have riders traveling in excess of 40 miles per hour.

REPRESENTATIVE WOOL allowed that he did not know what proportion of power is put forth by the rider compared to what proportion of power is put forth by the electric assist but qualified that the rider must exude effort to pedal for speeds under 28 miles per hour.

[1:43:44 PM](#)

CHAIR CLAMAN opened public testimony on HB 87.

[1:44:03 PM](#)

DALE BANKS testified in support of HB 87. He stated that he owns a retail bike store in Homer and that HB 87 would provide a framework for him to advise his customers regarding e-bikes. He referred to language in HB 87 on page 4, line 14, "provides assistance only when the rider is pedaling" and stated that all the e-bikes that he sells have an electric motor with a sensor that engages only when the rider is pedaling. He added that most of the e-bikes that he has for sale are 750 watts or less

in size. He added that most also have a throttle mechanism, and the language in HB 87 would exclude this type. He added that most models' electric assist is limited to 20 miles per hour, which he described as an appropriate speed for bike paths. He described the function of the throttle feature as useful due to the additional weight of an e-bike, and explained that, if a rider is stopped [at an intersection] the rider may elect to engage the throttle. He added that the assist feature requires the rider to rotate the pedals to engage the motor. He recommended that the committee consider deleting the proposed language on page 4, [lines 16-17] and ensuring that language is incorporated into the bill so that the regulation is drafted based on wattage and speed. He opined that 28 miles per hour may be a higher speed than should be allowed. In response to a request from Representative Kreiss-Tomkins, he agreed to submit his written testimony.

[1:47:42 PM](#)

CHAIR CLAMAN asked for Mr. Banks to illustrate approximately how many e-bikes he sells, and which models may reach speeds of 28 miles per hour.

MR. BANKS answered that there exist only a few models; there is a mid-drive which engages the [pedal] crank, and a hub drive which engages the wheel. He estimated that the models that may reach speeds of 28 miles per hour comprise approximately 10 percent of those sold, and that he cautions his customers against using the e-bikes at the high rate of speed on bike paths out of concern for safety.

CHAIR CLAMAN asked whether the manufacturers are building more bikes [capable] of speeds of 20 or 28 miles per hour and whether Mr. Banks could explain their rationale.

MR. BANKS answered that manufacturers are building e-bikes mostly in the 20 mile per hour and 750-watt range, and that the rationale was likely based on the State of California's e-bike regulations. He added that he was unfamiliar with e-bike models comprised of throttle-only, which is in alignment with the class 2 designation. He offered his recommendation to regulate e-bikes based on wattage and speed, and that different localities may further regulate e-bikes based on local conditions.

[1:49:55 PM](#)

CHAIR CLAMAN posed a hypothetical situation in which an e-bike rider is on a flat trail and asked whether the rider would have difficulty achieving 28 miles per hour, and whether the rider would be able to engage the throttle only while pedaling with effort.

MR. BANKS answered that some models can measure rider effort output and respond accordingly, and some models can sense only whether the rider is pedaling [at all] and respond accordingly. He added that a throttle feature is most often engaged by riders to "get going" such as if they are stopped at the bottom of a hill.

CHAIR CLAMAN asked if it was Mr. Banks' opinion that the e-bike manufacturers, like automobile industry manufacturers, acquiesce to the State of California's regulations in their manufacturing processes due to its large market, regardless of other states' regulations.

MR. BANKS agreed with Chair Claman's hypothesis and added that the e-bike market had originated mainly in California. He stated his belief that the 750-watt regulation was reasonable and encouraged consistency among the proposed and existing regulations. He added that speed and wattage are more easily enforced than particular features of different models.

[1:53:23 PM](#)

REPRESENTATIVE KURKA asked for an explanation of the rationale to regulate e-bikes according to wattage.

MR. BANKS explained that higher wattage bikes are faster, and the designation of 750 watts was reasonable and consistent with other existing regulations.

REPRESENTATIVE WOOL added that the intent of regulating by wattage would be to categorize e-bikes as non-motor vehicles and would restrict operating speeds. He noted that 750 watts is comparable to 1 horsepower.

[1:55:50 PM](#)

REPRESENTATIVE EASTMAN asked for additional clarification on the hypothetical in which a rider is at a full stop and whether it is typical that a rider must make an effort to pedal.

MR. BANKS offered that typically a rider would be required to pedal to engage the electric assist.

REPRESENTATIVE EASTMAN discussed a scenario in which a rider would be required to make an adjustment in the position of the stopped bike in order to engage the assist.

MR. BANKS agreed.

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WAYNE ADERHOLD stated that he was a member of the League of American Bicyclists and the Homer Cycling Club, and that he was a certified elite cycling instructor. He shared that he was 71 years of age, and he did not own an e-bike. He suggested that there exists a need to identify e-bikes in statute due to the increase in numbers of e-bikes. He encouraged the 3-tiered approach endorsed by the People for Bikes. He referenced an existing code in which bicycles are prohibited on sidewalks within business districts. He suggested that e-bikes should not be allowed on sidewalks. In response to questions to confirm his sources on existing regulations, he stated that he had submitted written testimony.

[2:01:25 PM](#)

REPRESENTATIVE EASTMAN asked whether the proposed language in HB 87 defines e-bikes in accordance with Mr. Aderhold's understanding of e-bikes.

MR. ADERHOLD answered that, during a meeting he had attended with his local police on the matter of laws and how they pertain to e-bikes, the definition of e-bikes as described by People for Bikes was the standard that they incorporated into the discussion.

[2:02:28 PM](#)

REPRESENTATIVE VANCE asked Mr. Aderhold to explain his endorsement of the inclusion of a three-tiered definition of e-bikes.

MR. ADERHOLD explained that the three-tiered system had been put forth with industry input and would provide a detailed framework that could be interpreted by both law enforcement and the bicycle user communities. He concluded that he had been working in cooperation with a group in Fairbanks, and they collectively

recommended aligning regulations of e-bikes throughout statute and code.

2:04:40 PM

REID HARRIS, President, Juneau Mountain Bike Alliance, stated that he is the president of the Juneau Mountain Bike Alliance, which has a memorandum of understanding with the City & Borough of Juneau (CBJ) for bike trails in the local area. He stated that the Alliance is in support of HB 87 and advised that an amendment should be adopted to include the three-tiered classification system since it reflected industry standards. He explained that adherence to the industry standard would allow for an individual to purchase an e-bike in one location and avoid confusion regarding the legality of operating a certain type of bike in different locations. He offered that e-bikes have gained popularity and that, to date, the CBJ had not yet instituted any regulations pertaining to e-bikes on local trails. He postulated that CBJ and other municipalities would seek guidance from state statute prior to instituting regulations pertaining to e-bikes.

2:06:25 PM

ALEX LOGEMANN, People for Bikes Coalition, testified in support of HB 87 on behalf of the People for Bikes Coalition (PFBC). He stated that PFBC was a trade organization based in Boulder, Colorado, representing manufacturers, distributors, and suppliers of bicycle products including electric bicycles. He suggested that HB 87 would provide important updates to Alaska traffic laws. He recommended the HB 87 be amended to reflect the three-tiered classification system. He stated that wattage limitations are regulated at the federal level and are consumer products subject to the Consumer Products Safety Commission. He allowed that regulations had been initially adopted in the State of California, but that 31 additional states had since adopted similar regulations. He postulated that tier-2 e-bikes comprise approximately 30 percent of the total national market share.

MR. LOGEMANN suggested that there exist challenges in classifying e-bikes based on the variety of features and technology among different models and that the three-tiered classification system would provide a framework for municipalities to further regulate e-bikes for use in certain areas or with certain speed limitations. He added that new technology was being developed in the tier-two category of e-bikes and that managers of soft-surface trails would benefit

from the existence of the tiered classification system to further regulate for appropriate application based on local conditions. He recalled an earlier line of questioning pertaining to the 28 mile per hour limit and suggested that it had been conceived at the federal level with the intention of aligning policy with that which exists in Europe.

[2:12:17 PM](#)

REPRESENTATIVE KREISS-TOMKINS asked Mr. Logemann to offer remarks pertaining to the requirement of an operator's license.

CHAIR CLAMAN referred to the committee packet item entitled "HB 87 Supporting Document - People for Bikes Factsheet 4.20.2021" which references Alaska-specific regulations.

MR. LOGEMANN suggested that there exists uncertainty in the existing law and that the analysis detailed in the factsheet was the People for Bikes' interpretation of existing Alaska law with its collective understanding of other state laws and academic studies. He welcomed alternate interpretations from DMV.

REPRESENTATIVE KREISS-TOMKINS allowed that the discussion and the People for Bikes' interpretation of existing law was illustrative of the existence of the need for clarity.

CHAIR CLAMAN recalled that, when asked for an opinion [on e-bikes], the DMV offered none.

[2:14:29 PM](#)

REPRESENTATIVE VANCE referred to the committee packet item, entitled "HB 87 Supporting Document - People for Bikes Factsheet 4.20.2021," and asked whether there existed any differentiation between e-bikes and e-mountain-bikes.

MR. LOGEMANN explained that mountain bikes are likely to be categorized in the tier-one category since they have pedal-assist-only technology. He further explained that mountain bikes likely have suspension and other features [that differentiate them from other e-bikes]. He suggested that the terms "mountain e-bike" and "class 1" would likely become synonymous due to manufacturing standards.

[2:16:27 PM](#)

CARY SHIFLEA, Owner, Alaska eBike, testified in support of HB 87 on behalf of his small business. He shared that he serves on the Municipality of Anchorage's Bicycle Pedestrian Advisory Committee. He stated that the Municipality of Anchorage had established e-bikes in regulation in 2016, which reflected the Consumer Products Safety Code. He recommended the federal safety code prescribes that e-bikes are restricted to be 750 watts, with operable pedals and a maximum throttle speed of 20 miles per hour. He opined that trail and path types in different localities would dictate trail speed [limits]. He suggested that most riders of e-bikes that have a throttle feature are not motivated to ride at high rates of speed but are more motivated by mobility issues in navigating obstacles or hills. He added that all Municipality of Anchorage area trails allow all three types of e-bikes.

[2:21:07 PM](#)

CHAIR CLAMAN ascertained that there was no one else who wished to testify and closed public testimony on HB 87.

[2:21:25 PM](#)

REPRESENTATIVE EASTMAN referred to Section 5 of HB 87 and asked whether only devices such as the brand of self-balancing vehicles known as Segways be categorized as "electric personal motor vehicle" or if another type of self-balancing vehicles was meant to be included in the definition.

MS. CARRICK stated that during the drafting of the bill, collaborative research between her and Legislative Legal and Research Services had revealed only the Segway brand style of vehicle was available on the market. She added that the definition for a motor-driven cycle is broader and encompasses more than the Segway style vehicle. She allowed that there may exist other examples [available in the marketplace].

REPRESENTATIVE EASTMAN asked to what category an electrical conveyance such as one that might be offered at a grocery store would belong.

MS. CARRICK answered that it would likely be categorized as a motor-driven cycle like mopeds, scooters, dirt bikes, and other small engine [vehicles].

CHAIR CLAMAN, after confirming Ms. Carrick's characterization of a conveyance such as one that might be offered at a grocery

store as a motor-driven cycle, asked why it would not be categorized under Section 4, subparagraph 12 as an electric personal motor vehicle.

REPRESENTATIVE EASTMAN elaborated on his question to specify that the language that defines an electric personal motor vehicle as having "two non-tandem wheels" may need to be amended to read "two or more non-tandem wheels" to include the vehicle types under discussion.

CHAIR CLAMAN asked Ms. Carrick to follow up with additional information to the committee regarding this type of vehicle.

[2:24:53 PM](#)

REPRESENTATIVE EASTMAN asked whether Ms. Carrick held the belief that it was in the public interest to prioritize electric assisted bicycles in favor of oil or gas assisted bicycles.

MS. CARRICK stated that she held the belief that the bill sponsor's intention was to address a particular type of bicycle component in regulation. She speculated that other types of bicycles such as the ones that Representative Eastman described had not been considered as part of the original intent of the sponsor.

REPRESENTATIVE KURKA recommended that Ms. Carrick follow up with further information on electric wheelchairs within the context of HB 87.

CHAIR CLAMAN asked Ms. Carrick to follow up with the committee to explain more fully the definition of "two non-tandem wheels."

REPRESENTATIVE SNYDER suggested that grocery store carts may be defined under AS 45.45.600 as assistive technology.

[2:27:25 PM](#)

REPRESENTATIVE EASTMAN stated that a previous version of the bill had included a definition of "bicycle" and suggested that it would be sensible to include it in HB 87 and asked whether there existed a reason for not including it.

MS. CARRICK stated that she would follow up with Legislative Legal and Research Services to determine why it had been omitted.

2:28:35 PM

CHAIR CLAMAN stated that HB 87 was heard and held for further review. He offered the committee members an opportunity to consider a reasonable deadline by which amendments should be received because of other legislative priorities.

REPRESENTATIVE EASTMAN stated his interest in offering an amendment after hearing the follow up discussion offered by Ms. Carrick.

CHAIR CLAMAN invited Ms. Carrick to provide input at the next House Judiciary Standing Committee meeting and amendments could be brought before the committee at the subsequent meeting.

2:30:19 PM

MS. CARRICK offered further explanation that Section 2 of the bill would define e-bikes to be regulated in the same manner as bicycles, and that it would not permit e-bikes to be allowed where bicycles are not.

CHAIR CLAMAN asked whether, should HB 87 pass, municipalities would be able to either allow for more or further restriction where e-bikes are allowed.

MS. CARRICK stated that a municipality could further restrict or allow e-bikes within their regulations.

MS. CARRICK stated that, during a previous hearing on HB 87, a question had been asked whether state parks or state lands could regulate e-bikes differently than bicycles, and it had been determined that the Department of Natural Resources would be within its authority to designate trails as either non-motorized or motorized trails. She referred to the committee packet item, entitled "HB 87 Supporting Document - People for Bikes Factsheet 4.20.2021," and stated that it contained the opinion of People for Bikes, and she recalled the experience of the constituent concern brought to Representative Wool in which the local law enforcement interpreted [existing law] the same was evidence of the need for clarification in statute to allow for e-bikes to be categorized as either a motor driven cycle or as a motor vehicle.

2:33:51 PM

REPRESENTATIVE DRUMMOND stated that People for Bikes had submitted recommendations for amending HB 87 and asked whether Ms. Carrick was generally in support of the recommended changes.

MS. CARRICK answered that the intent of the bill would be defining e-bikes as written, and that it has a limited definition of e-bikes.

CHAIR CLAMAN stated that multiple entities providing public testimony had advocated for a three-tiered classification system and asked whether the sponsor did not have the intention to amend the bill to include it, which Ms. Carrick confirmed as correct.

[2:35:28 PM](#)

REPRESENTATIVE VANCE encouraged the committee to await a legal opinion on the question of any legal benefit for the classification system to be included or not.

[HB 87 was held over.]
#

[2:37:11 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:37 p.m.